

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA**

STATE OF MISSOURI, *et al.*,

Plaintiffs,

v.

Case No. 2:24-cv-00103-JRH-CLR

UNITED STATES DEPARTMENT OF
EDUCATION, *et al.*,

Defendants.

**DEFENDANTS' RESPONSE TO PLAINTIFFS'
MOTION TO SEAL**

In support of their complaint and motions for injunctive relief, Plaintiffs filed two exhibits under seal. *See* Exs. D & F to the Compl., ECF Nos. 1-4 & 1-6. The accompanying Motion to Seal, ECF No. 6, indicates that Plaintiffs sought to seal the exhibits (one of which is marked confidential) “in an abundance of caution, recognizing that Defendants are in the best position to determine any consequences of unsealing.” *Id.* at 2.

Without expressing a view as to the legality of the process through which the exhibits were obtained, or as to the applicability of privileges and protections that might otherwise justify their sealing, Defendants acknowledge the “tradition favoring access” underlying the common-law right to court filings, *Chi. Tribune Co. v. Bridgestone/Firestone, Inc.*, 263 F.3d 1304, 1312 (11th Cir. 2001), and the fact that they have (by necessity) discussed these exhibits at length in a recent filing. *See generally* Defs.’ Mem. of Law in Opp’n to Pls.’ Mot. for a Stay, ECF No. 35. Under these circumstances, Defendants do not object to these documents being unsealed.

Dated: September 13, 2024

JILL E. STEINBERG
United States Attorney
Southern District of Georgia

/s/ Shannon H. Statkus
SHANNON H. STATKUS
Assistant United States Attorney
South Carolina Bar No. 70410
Post Office Box No. 2017
Augusta, Georgia 30903
Tel: (706) 724-0517

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

MARCIA BERMAN
Assistant Branch Director

/s/ Simon G. Jerome
STEPHEN M. PEZZI
D.C. Bar No. 995500
Senior Trial Counsel
SIMON GREGORY JEROME
D.C. Bar. No. 1779245
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, N.W.
Washington, D.C. 20005
Tel.: (202) 514-2705
Email: simon.g.jerome@usdoj.gov

Counsel for Defendants